

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b> 10/532,769	<b>Applicant(s)</b> TORMO I BLASCO ET AL.	
	<b>Examiner</b> JOHN PAK	<b>Art Unit</b> 1616	

**All Participants:**

 (1) JOHN PAK.

 (2) ANDREW MEIKLE.
**Status of Application:** \_\_\_\_

(3) \_\_\_\_

(4) \_\_\_\_

**Date of Interview:** 16 February 2007
**Time:** \_\_\_\_

**Type of Interview:**

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

 Exhibit Shown or Demonstrated: ☒ Yes ☐ No

 If Yes, provide a brief description: *Examiner Pak faxed a draft claim amendment proposal. Copy of the fax is attached hereto.*
**Part I.**

Rejection(s) discussed:

Claims discussed:

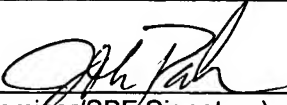
Prior art documents discussed:

**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

*See Continuation Sheet*
**Part III.**

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

  
 (Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed:

On 2/13/2007, Examiner Pak faxed to Mr. Meikle a claim amendment proposal to correct several 112, 2P type claim language problems. A copy of this fax is attached hereto. On 2/14 and 2/15, the Examiner discovered several additional claim language problems. Claim 1, Part B, recites the imidazole in the plural, "imidazoles," which means that having one imidazole would be excluded. Mr. Meikle stated that amending to "at least one imidazole derivative" would be acceptable. Also in claim 1, "where X1 and X2 are halogen and phenyl" was newly noted as being indefinite because a substituent cannot be both halogen AND phenyl at the same time. The Examiner stated that the the claims should be rewritten to recite X1 = halogen and X2 = phenyl (with the rest of the phenyl description). Mr. Meikle stated that that would be a change in claim scope with which he could not agree at this time. The Examiner stated that an Office action would be issued.



## Patent Technology Centers

### Facsimile Transmission

To:	Name:	Andrew Meikle
	Company:	
	Fax Number:	917032058050
	Voice Phone:	
From:	Name:	Examiner John Pak
	Official Fax Number:	(571) 273-8300
	Official After Final Fax Number:	(571) 273-8300
	Voice Phone:	571-272-0620

37 C.F.R. 1.6 sets forth the types of correspondence that can be communicated to the Patent and Trademark Office via facsimile transmissions. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)).

#### Fax Notes:

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Re: 10/532,769

Mr. Meikle,

Please look over these changes. All non-substantive changes. Will also amend the spec. to recite the 371 information.

John Pak  
Primary Examiner  
Art Unit 1616

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Date and time of transmission: Tuesday, February 13, 2007 3:39:46 PM  
Number of pages including this cover sheet: 05

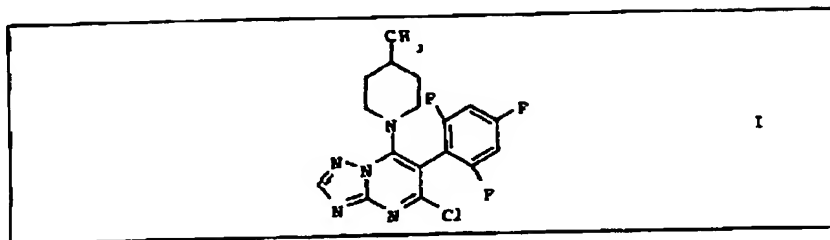
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*Interview Summary Record*

AMENDMENTS TO THE CLAIMS

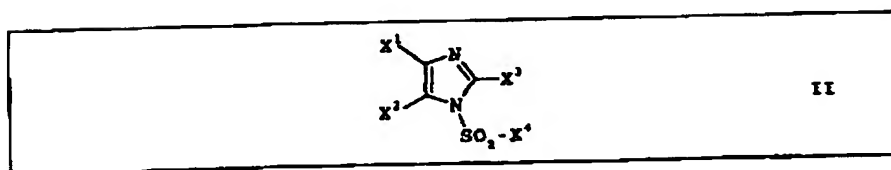
1. (Original) A fungicidal mixture, comprising

A) the triazolopyrimidine of the formula I



and

B) imidazole derivatives of the formula II



where X<sup>1</sup> and X<sup>2</sup> are halogen and phenyl which may be substituted by halogen or C<sub>1</sub>-C<sub>4</sub>-alkyl

or

X<sup>1</sup> and X<sup>2</sup> together with the bridging C=C double bond form a 3,4-difluoromethylenedioxyphenyl group;

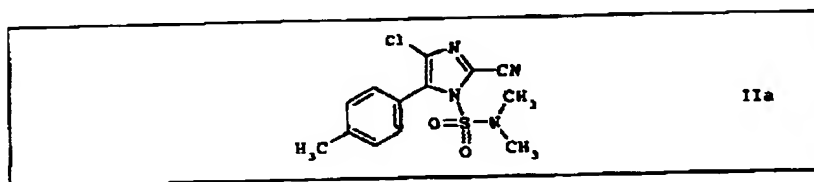
X<sup>3</sup> is cyano or halogen, and

*No change  
on this  
page*

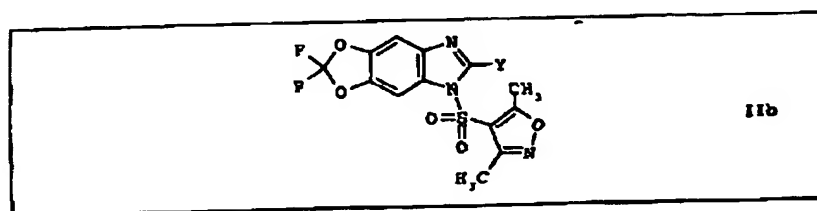
*Interview Summary Record*

$X^4$  is di-(C<sub>1</sub>-C<sub>4</sub>-alkyl)amino or isoxazol-4-yl which may carry two C<sub>1</sub>-C<sub>4</sub>-alkyl radicals,  
in a synergistically effective amount.

2. (Original) A fungicidal mixture as claimed in claim 1, comprising, <sup>the</sup> as imidazole  
derivative, the compound IIa.



3. (Original) A fungicidal mixture as claimed in claim 1, comprising, <sup>the</sup> as imidazole  
derivative, a compound of the formula IIb,



where Y is halogen.

4. (Original) A fungicidal mixture as claimed in any of claims 1 to 3, wherein the weight  
ratio of the triazolopyrimidine I <sup>one</sup> to the imidazole derivatives of the formula II <sup>of the formula</sup> is from 50:1  
to 1:50.

5. (Currently Amended) A fungicidal composition, comprising the fungicidal mixtures as claimed in ~~any of claims 1 to 4~~ claim 1 and a solid or liquid carrier.

*Rewrite claim 6 in indep. form b/c cl. 1 requires a mixture*  
6. (Currently Amended) A method for controlling phytopathogenic harmful fungi, which comprises treating the harmful fungi, their habitat or the plants, seeds, soils, areas, materials or spaces to be kept free from them with the triazolopyrimidine of the formula I as set forth in claim 1 and imidazole derivatives of the formula II as set forth in claim 1 or compositions as claimed in claim 5. *∴ Separate applications would not be properly dependent*

7. (Original) A method as claimed in claim 6, wherein the triazolopyrimidine of the formula I ~~as set forth in claim 1~~ <sup>the</sup> and imidazole derivatives of the formula II ~~as set forth in claim 1~~ are applied simultaneously, that is either together or separately, or in succession.

8. (Currently Amended) A method as claimed in claim 6 ~~or 7~~, wherein the triazolopyrimidine of the formula I ~~as set forth in claim 1~~ is applied in an amount of from 0.01 to 2.5 kg/ha.

9. (Currently Amended) A method as claimed in claim 6 ~~or 7~~, wherein the imidazole derivatives of the formula II ~~as set forth in claim 1~~ are applied in an amount of from 5 g/ha to 500 g/ha.

10. (Original) The use of the compounds I and II as set forth in Claim 1 for preparing a composition suitable for controlling harmful fungi.

an Independent  
Rewrite as a method of preparing

e.g.

Cl. 10 A method of preparing a composition  
suitable for controlling harmful fungi

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Interview Summary Record